UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
	:	
v.	:	**CRIMINAL NO. 21-CR-00299 (RBW)**
	:	
MARIPOSA CASTRO/		
Imelda Acosta	:	
	:	
Defendant.	:	

DEFENDANT'S SENTENCING MEMORANDUM

In 2006, Ms. Acosta and her husband took a trip to Pebble Beach to play golf. During one of these golf games they almost got hit by a golf ball of another player. Ms. Acosta turned to look in the direction of the putter and saw it was Trump. They ended up having an amicable conversation together. Ms. Acosta cannot say that this meeting turned her into the Trump fan she later became, but it certainly gave her a positive image of him and she supported him during his run for president.

Ms. Acosta, usually a quiet, gentle soul started getting involved in rallies in her community to support police officers, firefighters and the military during President Trump's run for election. These events became fun outings for her in which she dressed up sometimes in costumes, met others, danced and escaped from her own problems. See Attachment A. She also began attending rallies in support of former President Trump. During the rest of the week/month, she was a stay at home Mom, and wife, with dreams of opening up a yoga and tea shop.

When she, her husband and a friend she met at the rallies, heard that President Trump was going to provide a public speech that they could attend, they

decided to come to Washington, D.C., to hear him speak and support him. At that time, they had no real plan besides hearing the speech, having fun with others who supported Trump, and visiting the monuments. The morning of January 6, they made their way down to the platform area of where President Trump was to speak. For whatever reason, they were given the opportunity to sit in the VIP section. There was music and they had fun dancing. After the speech they did not follow the throngs of people who walked down Pennsylvania Avenue but rather they walked back to their hotel room. During a quiet moment at the hotel, Ms. Acosta turned the TV on and began watching the events occurring at the Capital. As she watched she became concerned about what was taking place at the Capital. Partly out of curiosity, partly because she wanted to live stream for others to see what was occurring, she decided to leave the comfort of the hotel, and walk to the Capital. Her husband did not join her, nor did her friend who was socializing with others back at the hotel. Now of course she greatly regrets this decision.

She arrived at the Capital sometime after 3:40 p.m.[1] While there, Ms. Acosta did not engage in violent activity. She did not break anything, she did not destroy anything, she did not throw anything, nor physically engage in any acts against law enforcement. Rather she showed up holding her Peace flag and was dressed in regular attire. Attachment B. As friends of her describe her, she is someone who espouses peace and love. She does not eat meat, she does not drink or smoke, but

[1] This was well after members of Congress and the Vice President had been evacuated or moved from the chambers.

rather believes in a holistic lifestyle. Attachment C -search warrant photographs for California home.

Ms. Acosta live streamed what she saw at the Capital so that others who followed her on Facebook could see from her vantage point, without any "biased" commentary from news networks, what was occurring. When a window on the lower west side was broken, and a woman over a bullhorn encouraged people to enter, again her curiosity got the better of her. She was lifted up by others and entered this portion of the Capital, a small antechamber room. She stayed inside less than one or two minutes and then left. That was the extent of her "entry" into any portion of the Capital building. During this whole period she live streamed her entry because again she wanted those not present to see everything. She took upon herself to "report" what was going on. Inside the small room, all she did was film her entry as she said, "we are in…," look around, and then leave. She had no intention to hurt anyone or anything.

Looking back, she realizes that she got caught up in the fervor of the moment. She chanted with others, and rallied to support those around her. She came in contact with pepper or other spray at various times while there and genuinely felt the gravity of the moment. At one point she could not see due to the spray in the air, and she wanted to leave the area. A random bystander helped her.[2] She found her way back to her hotel.

[2] Undersigned believes the individual who helped her find her way out and took her to safety, was an undercover police officer.

The next day Ms. Acosta and her husband walked around the monuments, again she carried her flag of peace with her. Attachment D.

I. Procedural Background

Ms. Acosta was arrested at home on February 9, 2021. She cooperated with law enforcement and assisted them during the arrest and search of her residence. She was released the same day as her arrest, and on February 16, 2021, she had her first/initial appearance before this Court. All hearings in this matter before our Court have been virtual. She has remained in full compliance with her pre-trial release conditions.

On November 24, 2021, Ms. Acosta entered a guilty plea before the Court to Count 4, of the four count indictment in this case, charging her parading, demonstrating or picketing in a Capital Building, in violation of 18 U.S.C. §5104(e)(2)(G). Sentencing is currently scheduled on February 23, 2022.

II. Statutory Framework/Guidelines

The offense of parading, demonstrating or picketing in a Capital Building in violation of 18 U.S.C. §5104(e)(2)(G), is a Class B Misdemeanor offense carrying a possible sentence of not more than 6 months and a fine of not more than $5,000. As the offense is a Class B Misdemeanor the guidelines are inapplicable. Ms. Acosta has no prior convictions. A sentence of probation is the appropriate sentence.

III. Additional Sentencing Factors Pursuant to 18 U.S.C. §3553

Ms. Acosta moves this court to sentence her to probation. Such sentence amounts to a "reasonable" sentence in this case. A sentence of jail time would be

overly punitive, unreasonable, and is not warranted in this case. In conjunction and consideration of the other §3553(a) sentencing factors the court must take into account, such a sentence is reasonable and just.

(a) Reflect seriousness of the offense and promote respect for the law, 18 U.S.C. §3553(a)(2)(A)

Ms. Acosta's actions at the Capital support a sentence of probation. Again, she came to the Capital waving her peace flag. See Attachment B. She was not dressed to encounter or engage in combative activity. She did not show up wearing a tactical vest, gas mask, ballistic helmet, body armor, radio equipment, military style backpack, shield, or pitchfork or any of the other battle type armament. She showed up to record and capture things on her camera phone which she did via live stream.

(b) Ms. Acosta's Personal Characteristics

Ms. Acosta was born in Mexico. She came to the United States with her parents at the young age of almost 2 years old. As is outlined in the pre-sentence report, as a child she kept to herself a lot. She suffered emotional stresses witnesses her parents arguments, and financial stresses when her parents separated. She ended up marrying someone who she felt she had to marry for the better of her family. Yet the relationship was physically, mentally, verbally and sexually abusive. She left the home for her own protection but that ended up being used against her, and she initially lost custody of her children but later was able to obtain custody back. It took a lot of courage for her to bring divorce proceedings against her abusive husband, as she did not have the support of her father. During this time, she struggled

economically as well. To this day, Ms. Acosta continues to seek to heal from the past traumas.

Her life turned in a much better direction when she met Randy Acosta, to whom she is currently married. They met at her place of work, a clothing store. She has one child from this union in addition to her two children from her first marriage. She also has two grandchildren whom she loves dearly. See Attachment E. She lived a very comfortable life which involved overseas vacations until her arrest in this case. Her husband, who worked for his father's business, was forced to leave the company, instead of receiving the promotion to chief executive officer with a 49% stake in the company he had been promised. Fortunately, he was given a severance package but the Acosta's decided to move to Tennessee to distance themselves from the toxic environment they found themselves in after her arrest. Tennessee also provides them with a more affordable living environment now that Mr. Acosta no longer is working.

Ms. Acosta hopes she can put into motion her dreams of owning a tea and yoga shop. Attachment F. The study and serving of teas and practice of yoga are two hobbies of hers. She has developed friendships through these interests and would like to create an enjoyable, safe environment in which others can appreciate both tea and yoga. All those that really know her, describe her as sweet, kind, thoughtful, caring, and giving. Attachment G. Undersigned has also observed these endearing characteristics of Ms. Acosta during the pendency of this case. She expresses and usually lives a life of kindness to others. Her tattoos[3] all exemplify her softness and

[3] The pre- sentence report lists Ms. Acosta's tattoos.

sweetness: butterflies, lotus flower, heart with wings, rabbit, and stars. Attachment H. She has studied and received certificates in the healing powers of reiki, and sound healing therapy which includes various practices. She visits Buddhist temples for inner peace and tranquility. See Attachment. I. Her presence and participation at the Capital on January 6 are completely inapposite of the person she really is. The only explanation for her being there is her support of former President Trump, her curiosity, the intention to provide a live stream of what she saw, and her then having gotten caught up in the moment.

(c) To Sentence Ms. Acosta to a Term of Prison would Result in an Unwarranted Disparity

Sentences of probation with conditions have been consistently imposed on persons who plead to the same misdemeanor offense as did Ms. Acosta. Thus to sentence her to jail time, even of one day, would cause an unwarranted disparity.

(e) Deterrence

A sentence of probation is more than sufficient to address any deterrence concerns. Ms. Acosta has already suffered consequences as a result of her actions on January 6. As mentioned previously, she and her husband had to move from California due to the loss of employment and income. She was harassed as well. She is now embarking on a new life which she hopes will return her back to one of peace and tranquility in which she can give back to others. Attachment J- Tennessee. She has learned her lesson and will walk away rather than walk towards incidents similar to January 6.

Respectfully submitted,

OFFICE OF ELITA C. AMATO

/s/

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CERTIFICATE OF SERVICE

I hereby certify that this Memorandum was filed electronically through the ECF filing system on this 11th day of February 2022, thereby, providing service electronically upon all parties in this case.

/s/

Elita C. Amato